

WASHINGTON

THE McFARLAND TRIAL

TWENTY-FIRST DAY.
LETTERS FROM MR. M'FARLAND—TESTIMONY OF
MRS. SAMUEL SINCLAIR, JUNIUS HENRI
BROWNE, MRS. CALLAHAN, MISS MARY CAL-
LAHAN, MR. M'CAITY, ELIAS B. CHERRY,
CAPT. CAFFERY, SERGEANT HAGGERTY, AND

OTHERS. The twenty-first day of the McFarland Murder Trial came in with a warm, bright sun, and a pleasant breeze. Notwithstanding the beautiful weather without, the attractions within the Court-Room proved more potent to a large number of lawyers and other professional men, and Part I. of the Supreme Court presented yesterday its usual appearance of well-filled seats and crowded aisles. The proceedings of the first part of the day were of a very interesting character, and were

The testimony of Mrs. Samuel Sinclair was the feature of the day, and her opinions concerning the propriety or impropriety of the conduct of the deceased Richardson toward Mrs. McFarland created quite a sensational buzz in the Court-room, and particularly among the ladies. She was upon the witness stand at hour and a half, and sustained a rigorous cross-examination with entire coolness. The testimony of Janius Henri Browne, who succeeded Mrs. Sinclair, provoked considerable mirth among the bystanders, and his theological views were the subject of a wordy tilt between Mr. Graham and himself.

TESTIMONY OF MRS. SAMUEL SINCLAIR.

I reside in New-York City, and am the wife of Mr.

Samuel Sinclair; I have lived here over 20 years; I knew Mr. and Mrs. McFarland; I became acquainted with Mrs. McFarland, I think, soon after she was married; I knew her better in 1862, or about '62; I think I became acquainted with her in the Winter of 1862-63.

Q. Where were they then residing? A. I do not remember; I met them at Mr. Cleveland's; they were there frequently during the Winter; I heard her read a number of times; she read there nearly every week during that Winter.

Q. Do you recall calling in the fall of '65 on Mrs. Mc-

Q. State how you found them? A. I found her in a miserable house, so miserable that I scarcely dared enter.

itself; I found her sick in bed taking care of her two children; her husband was away; I brought her home and kept her a week before he returned; I gave her \$50 first which she kept; then I took her \$50 more, which I told her I was deputed to give her; she afterward wrote me a very noble letter returning the money, saying she must go to her father for help.

Q. What did you do with the money? A. A part of it I returned; the remainder I used to purchase some clothing.

Q. Do you recollect in April interesting yourself in getting up a reading for her? A. I do.

Q. During the Summer of 1885, Mrs. McFarland was absent at the White Mountains? A. Yes, sir.

Q. Did you recollect from her return, seeing her, or soon

Q. Do you recollect depositing the remains in the vault, or soon after? A. Soon after her return.

Q. How did you find her, and when? A. I think that is the time I found her in Amity-st. sick in bed with her children.

Q. Do you recollect visiting her in 1866 near Macdonald-st.? A. I do.

Q. State under what circumstances you found her? A.

Recorder Hackett—Where was Mr. McFarland at this time? A. I think he was there.

Q. What do you know about the preparation of her wardrobe? A. I gave her or lent her the wardrobe for one character entire.

Q. Had you opportunity to know what wardrobe she had? (Objected to.)

Q. Will you tell what you knew on that subject? **A.** I knew that she had a very scanty wardrobe; I gave her clothing from my own wardrobe before she went on the stage.

Q. Now I wish to call your attention to incidents occurring at your house when she was lifting her hair for the stage? **A.** Her husband came to my house to approve of the wardrobe. I was going to lend him his wife's toilet

Q. Do you recollect the condition of her health after she went on the stage? A. She was very unwell most of the time.

Q. Do you recollect in that Feb., '66 and '67, making any efforts to procure for Mr. McFarland a position? A. I did; I went to Mr. McElraith and made an application; I do not remember what it was for; it was for some office.

Q. Do you recollect the receipt of a letter from Mrs. Richardson on the 21st of February? A. I do.

Mr. GERRY.—I object to the form of question; it should

Recorder Hinkett.—The presumption is that she still continues to be Mrs. McFarland.

Q. Be kind enough to look at the letter; is that yours?

A. Yes, Sir.

Q. Is that, then, in response to that letter from Mrs. McFarland?

A. It was, in which she stated she was

Judge Davis: I propose to show that this lady—as I did with Mrs. Calhoun, now Mrs. Bunkle, who has been charged here in the same bitter terms, though not quite as chargeable to their character, of being a conspirator.

to rob this man of his wife—I propose to prove that she was as innocent of all this charge as I showed the other day Mrs. Bunkle to be, and that in all the transaction she was actuated by the same motives that the other lady was. It is due to her that she should have opportunity to exculpate herself altogether from the outrageous assault that has been made upon her.

Mr. Graham: There has been no assault made upon her except what she has made upon herself. Her name has not been assailed in this matter in any other way than by her own pen, and the sentiments in the letter are the principal things that are relied upon to break her down. Now, to permit her to detract from the atrocity of this letter by putting behind it matters which are not at all referred to in the letter and which are just as well be-

created for the purpose of this action as any thing else, with a view to liberate her from the sentiments of this letter, is just what we respectfully object to on the part of the defense. Here is the lady who undertakes to write to a mother this language: "I must suggest one thing—to get Percy away from his father." Percy was at that time of sufficient age to tell which was the worth

and which the unworthy parent, and if he was to be allowed to open his mouth here, we would hear matters that would be perfectly startling. But this lady, at the time she wrote this letter, conceals that he was well enough informed to judge between his father and mother, for in the first she writes: "I must suggest one thing, and that is to get Percy away from his father as

soon as possible. You know Percy now believes in him, and the longer he remains with him the more intensified will this feeling become, and of course, the longer it will take to erase it." Now, Sir, we have not brought into this case anything against this witness except her own pen. I submit to the Court that the prosecution have no right to fritter away the effect of this letter by showing circumstances that can

just as well be made to exist to-day as it existed the day this letter was written. Here is a lady advising a mother to tear away her son from the father, telling her that the son, at the time she writes the letter, pretends the father to her, and as long as she suffers him to remain in that connection the feeling of affection on the part of the son will be intensified so that it will be utterly

impossible to erase it. What we have not brought into the case under the auspices of their own pens we have brought into the case under the auspices of their own testimony, and I think that I can show, when the testimony on the part of the prosecution comes to be collected, that a mine of falsehood and untruth has been pressed into this case on the part of some persons inter-

Judge Davis:—The counsel artfully and with the design to preclude me from replying simply objects without stating his ground of objection, and then when I have said something in response to that barren objection turns upon us with a speech specifying points of the objection and endeavors to close my mouth from replying. Now counsel insists that this question should not be answered.

on account of some of the contents of this letter. Is it not apparent that she would have been horrified to let a child like Percy go into the hands of a father like him as shown by the letters she received? If the conduct of the husband was such that the wife could not bear it, why should the tender children be compelled to remain in his hands? I desire to prove the same line of argu-

stories the other lady answered, and by which to my mind she was triumphantly vindicated from the outrageous attacks that were made upon her. I firmly believe that I shall be able to show this jury that that letter like every act of the lady now sitting before me was dictated by a kind, noble, generous woman's heart and with no improper motive whatever.

Mr. Graham's curve had certain letters put into my hand which bear but one construction, and I have appealed to the most judicious minds, within the last three or four weeks, that I possibly could have appealed to, for the purpose of showing what sense they put on the letters, and they agree with me unanimously. All we have done thus far has been to bring these letters into the case, and leave them to be construed by the

common sense of the jury. Now, it is evidently felt on the part of the prosecution that these letters pinch a little too much, and an attempt is made on the part of the prosecution to put into these letters sense that is not found in them, and to put an interpretation on them that they do not bear. When this woman undertook to interfere between this husband and his wife, had

she any right to do it on the *ex parte* story of that wife? The question is, what right had she to interfere at all? Your Honor perfectly well knows that this woman could be sued upon this matter, and so could Mrs. Calhoun, and so they could have been indicted if an indictment had been found within three years after the writing of these letters.

recorder Hackett—it is true that I permitted the de-
fense to show all the facts and circumstances of conver-